IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.607 of 2004

Date of decision : 15.9.2006.

Anil Kumar Vig.

.....Petitioner.

Versus

Deputy Commissioner, Central Excise Division,Ambala City & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. Sanjiv Kaushik, Advocate
for respondents No. 1 to 3.

Mr. Gaurav Chopra, Advocate
for respondents No. 4 to 7.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the orders dated 16.10.2003 and 15.1.2004 passed by the learned Courts below declining the prayer of the petitioner seeking to restrain the respondents from executing the orders passed against the partnership firm by resorting the coercive method of arrest.

The learned Courts below have rejected the application moved by the petitioner under Order 39 Rules 1 & 2 read with section 151 C.P.C.on the plea that no injunction can be granted against lawful means to be adopted by the party. The learned counsel for the petitioner by relying upon the judgment of this Court in **Gomti Devi Vs. Kalka Cooperative House Building Society Limited** 1988 PLJ 416 prays that arrest and

detention of a person should be a last resort. The authority executing an order under Order 67 of the Punjab Land Revenue Act is to first take other steps in case they do not fortify then only can resort to arrest. He has further relied upon the judgment of this Court in *Civil Writ Petition No. 15006 of 2002* **Sardara Singh Vs. Punjab Khadi Village & Industries Board & Anr.** decided on 9.2.2004, which is to the same effect. The learned counsel for the respondents No.1 to 3 on instructions from Mr. Tara Chand Saini, Superintendent, states that without resorting to other means as envisaged under Section 67 the coercive methods will not be adopted.

In view of the statement made by the learned counsel for respondents No. 1 to 3, this petition is dismissed as not pressed.

September 15,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**